IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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ORDER

Mahesh Verma
vs
State of Rajasthan & Ors.

S.B. CIVL WRIT PETIITON NO.2558/2002 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 17th August, 2006

PRESENT
HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.M.R. Singhvi, Advocate, for the petitioners.
Mr.Rameshwar Dave, Dy. Government Advocate for the respondents.

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BY THE COURT: -

In this writ petition, the petitioner has challenged the sub-clause (2) of Clause 12(A) of the notification dated 8.10.2001 whereby the respondents invited applications for General Nursing Training Course. By the said clause, it was provided that as per the Government instructions the Class IV employees of the Medical and Health Department have been provided

reservation to the tune of 15% and in respect of them, there shall be a separate merit list, and the maximum age limit prescribed for their would be 35 years and they should have 5 years experience of service. The petitioner has challenged this notification on the ground of discrimination alleging that the Government vide its circular dated 1.1.2000 has provided relaxation of five years to the Health Workers (Female/Male) in the matter of maximum age and they have become eligible to such course even upto the age of 40 years.

The respondents in the reply to the writ petition have stated that the post of Class IV employee and Health Worker are the separate posts and and the post of Health Worker (Female/Male) is included in the schedule appended to the Rajatshan Medical & Health Subordinate Service Rules, 1965 and the appointment of the Health Worker is made on the basis of their qualification. It is in order to make them eligible for further avenues of promotion in the next higher post and prescribing the age limit of 40 years for the Health Worker (Female/Male) is in no way discriminatory and

hence, the writ petition is liable to be dismissed.

I have heard the arguments advanced by learned counsel for the parties and perused the record.

I am satisfied that the petitioner being class IV employee is governed by the different set of rules with different eligibility qualification for appointment on the post of Class IV whereas the appointment of the Health Worker (Female/Male) is governed by different set of rules with different eligibility qualifications. The argument of discrimination therefore made on behalf of the petitioner is wholly unfounded.

In view of the above, the writ petition deserves to be dismissed.

Shri M.R. Singhvi, learned counsel for the petitioner alternatively argued that if the petitioner prayer is not accepted, he may be permitted to approach the concerned authority seeking relaxation in the age limit.

The petitioner may, if he so desire, make representation to the respondents. It is expected of the respondents to dispose of the representation within a reasonable period but in any case, not later than two months from the date of receipt a copy of this order.

The writ petition is accordingly dismissed with no order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-